

TOWN OF MASHPEE PLANNING BOARD DCPC WORKSHOP

Monday, November 22, 2004

Board Members Present:

Beverly Kane, Chairman
Dennis Balzarini
Lee Gurney
John Halachis
Myrna Nuey, Associate Member

Also Present:

Tom Fudala, Town Planner

Persons Absent:

Steve Dolan, Board Member
Eric Smith, Assistant Town Planner

Chairman Beverly Kane called the meeting to order at 6:30 PM. She announced that the purpose of the meeting was to conduct the second DCPC Workshop in order to move further along in the process of the work on the DCPC nomination proposal.

Beverly Kane reported that she had sent out a copy of the Smart Growth Zoning District law passed by the State of Massachusetts. Extra copies were distributed to the Planning Board.

Beverly Kane stated that at the conclusion of the first Planning Board DCPC Workshop held on 10/25/04, the Board members were assigned to take the individual draft proposals that were done by each of the Board members, review each other's comments, and give input on those particular topics. Beverly stated that she had prepared Draft Proposal #2 DCPC Nomination Form, from comments submitted by Board Members Dennis Balzarini, Lee Gurney, Steve Dolan, John Halachis and Beverly Kane. **(SEE ATTACHMENT A, Draft Proposal #2 for full text of the Draft)**

Beverly Kane distributed copies of Draft Proposal #2 to the Board and to members of the audience, reminding everyone that it was just a draft, not the final approved document. She then proceeded to review the contents of Draft Proposal #2.

Item #10. Type of District Proposed: A Town-wide district called "Land Use/Growth Management District", nominated in order to devise and implement an improved plan for future growth, and to manage the impacts resulting from that growth. Three major issues identified for necessary appropriate action are: water resources, traffic, and affordable housing.

Item #11. Why this District Warrants a DCPC Nomination. The Mashpee Local Comprehensive Plan, certified by the Cape Cod Commission on 7/30/98, has not undergone a formal review/update process. The DCPC will provide the Town of Mashpee the opportunity to review and update the sections pertinent to this proposal request: Land Use/Growth Management, Transportation, and Water Resources/Water & Wastewater Facilities.

The Draft goes into detail with reasons to support the town-wide nomination request. Issue #1: describes water resources including coastal resources, groundwater resources, and surface water resources. Issue #2: discusses transportation management, and includes charts depicting statistics on Mashpee crashes and crash locations. Issue #3: includes affordable housing information taken from the Town of Mashpee Affordable Housing Final Plan Nov. 2004, prepared by Ralph Willmer and Mary Coolidge McCrann of McGregor & Associates, P.C., Boston, MA.

Item #12. Describe Any Problems Associated with Inappropriate Development of the Area.

Item #13. What Would Be Gained through Additional Planning or Regulatory Control of the Area?

Item #14. What Classes or Types of Proposed Development should be allowed to continue during the consideration of the nomination (45 days) because they will not be substantially detrimental to

the area and the public health, safety and general welfare, and will not compromise the purposes of the Act?

Item #15. What types of development would be appropriate within the proposed district after the district has been nominated? Beverly Kane stated that this is up to what the Town decides it wants to do.

Item #16. What guidelines for development should be instituted in the proposed district to protect the values and purposes for which the district is being nominated (e.g., local zoning and general by-laws, regulations, local overlay districts)?

Item #17. What other types of initiatives may be needed to implement the objectives of the proposed district (e.g., grants, design guidelines, studies)?

Item #18. A listing of all supporting documentation submitted with this application.

Beverly Kane suggested the Board review together Item #14, page 11 on the Draft document, for any recommended changes. The following revisions/comments were made:

- (a) omit “ ***(not subdivisions)***”
- (b) Lee Gurney suggested that this might be redundant. However, Jerry Blumengarten spoke from the audience and stated that the more details provided, the clearer the explanation will be to the general public. The Board decided to leave it in.
- (c) The Cape Cod Commission requires that any alteration, repair, or extension greater than 25% of the floor area of the dwelling shall not be exempt. It was clarified that the percentage can be greater, but not less, than 25%.
- (d) Beverly Kane will ask CCC for clarification on whether an emergency can be handled before getting their permission.
- (e) The Board of Health will be asked to comment on this item.
- (f) Emergency repair to docks was added as a variance
- (g) Check with CCC
- (h) Check with CCC
- (i) This item was deleted.

The above items were re-lettered as follows: (f) became (g); (g) became (h); (h) became (i). (i) became (j), Occupancy permits, which was added to the list of exemptions.

The last paragraph was revised to read as follows: “The issuance of development permits, other than those exempted above, may be substantially detrimental to the protection of the public health, safety, and welfare, and would be contrary to the purposes of the Act and the District of Critical Planning Concern.”

Discussion followed regarding Item #10, page 1 of the Draft.

- Tom Fudala felt that it was too broad a statement.
- Dennis Balzarini suggested that it be limited to water and waste water, which he felt was the number one problem in Mashpee.
- Beverly Kane stated that traffic couldn’t be eliminated, that it has to be explored in order to try to improve the situation in the Town.
- Maxine Wolfset, Townsperson, stated that State assistance would become available once the DCPC nomination was accepted
- Martin O’Malley, Townsperson, stated that he agreed with Beverly Kane that the statement needs to be broad, and that all three bullet point components should be included.
- Joan Muse, Townsperson, repeated her former question asked at the first DCPC workshop: “What is exempt and what is not exempt?” She also stated that she is against the DCPC. Chairman Kane ruled her remarks to be out of order and she was asked to sit down.

- James Moroney, Townsperson, stated that he was very much in favor of a DCPC, but suggested that Affordable Housing might not be a necessary component, since the Town already has an Affordable Housing Committee.
- James Regan, Affordable Housing Committee member, agreed that this issue does not need to be included in a DCPC. He further stated that creating a DCPC is dangerous, by relinquishing zoning authority to the CCC. He suggested that the Planning Board was going into something without knowing what it was doing. Lee Gurney responded that Mr. Regan's statements were not based on fact, and were substantially incorrect.

Beverly Kane then asked for a motion from the Board, proposing a "Land Use/Growth Management District" DCPC nomination for the entire Town of Mashpee, focusing on the following two components: water resources, and traffic management. Dennis Balzarini made the motion, seconded by John Halachis. There were four unanimous Planning Board votes in favor of the motion.

Discussion followed regarding Item #11. Tom Fudala requested deletion of *Affordable Housing* in paragraph 2. He also requested rewording of paragraph 3, stating that there are five growth centers located around Mashpee Rotary. C1 and C3 are taken from the CCC. He recommended adding C2.

Issue #2, Transportation Management (p. 7 of Draft Document). It was suggested that 2004 traffic counts be updated and added to the document. John Halachis will handle this request.

Issue #3, Affordable Housing, pages 8 and 9, are deleted from the Draft.

Item # 15. Page 12, repeat items on page 11, Issue 14. Consider any very specific additions to be included for that 12-month period of time - Dennis Balzarini will work on this. Martin O'Malley, Townsperson, added that it needed to be tightened up, that 40R should be examined closely, and get the infrastructure in place.

Items # 16 and 17: Board members will review pages #13 and #14 on their own. Lee Gurney will work specifically on the exemptions.

John Moroney, Townsman, spoke in favor of wiping out any acrimony in the discussions on the DCPC. He also urged that the issue of affordable housing not be wiped out from the considerations of the Board. Beverly Kane responded that the Affordable Housing Committee is in control of this issue, and that the Selectmen are addressing this issue with the State.

Beverly Kane stated that once the Planning Board agrees on the issues to be addressed by the DCPC, other Boards including the Selectmen, Appeals, Conservation Commission, Zoning, Health and Water District will be asked for their review, to answer any questions on the proposal submitted. Beverly will write a cover letter requesting their input. Once input from these Boards is received, any appropriate additional changes will be made, and a copy of the nomination form will be sent to the Cape Cod Commission. Within 45 days, the CCC decides whether or not to accept the nomination for consideration of granting the requested DCPC designation. Once the CCC has reviewed and accepted the nomination, a final public hearing before the Town of Mashpee will be held. **(SEE ATTACHMENT B FOR COMPLETE DCPC TIME-LINE).**

Beverly Kane asked Tom Fudala whether the documentation being prepared by the Planning Department would be completed and ready by the end of January 2005, which is the general target date for completion of the nomination form. Tom agreed to prepare maps to identify both exemption and non-exemption areas of Mashpee. The CCC will be asked to clarify exactly how much additional documentation is required to accompany the nomination form.

FINAL STATEMENTS

Martin O'Malley reiterated how important it is that we lay aside acrimonious feelings, and remember that we are all here focusing on the betterment of our Town. Some are fearful of the change that we are about to experience. However, we should all try to stress the positive. Martin expressed his wholehearted support of the Board's work and the DCPC, and praised the orderly way in which it is being handled.

Beverly Kane stated that John Halachis had been appointed to replace Don Meyers as the representative for the Military Reservation on the Planning Board.

Beverly Kane requested that the Planning Board reserve a block of time on the agenda for the December 15th Planning Board meeting. At this time the Board members will have completed their respective assignments and will be prepared to give a report.

As there was no further business, the meeting was adjourned at 8:30 PM.

Respectfully submitted,

Ina G. Schlobohm
Recording Secretary

attachments

